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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 NEUMONT UNIVERSITY, LLC, a Delaware
limited liability corporation,

12 Plaintiff,

13 vs.

14 LITTLE BIZZY, LLC, a Nevada limited liability
15 company; JESSE NICKLES, an individual,

16 Defendant.
17

CASE NO.: 2:12-cv-01395-GMN-PAL

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE UNDER SEAL CERTAIN
EXHIBITS TO PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT,
PERMANENT INJUNCTION, AND
ATTORNEYS' FEES AND COSTS**

AND ORDER

18 Plaintiff Neumont University herewith request leave to file attorney billing records under
19 seal pursuant to Local Rule 10-5(b) as an exhibit to the declaration of John L. Krieger in support
20 of Plaintiff's Motion for Default Judgment, Permanent Injunction, and Attorneys' Fees and
21 Costs.

22 This Motion is made and based upon the papers and pleadings on file herein, and such
23 oral argument as the Court deems appropriate.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 Plaintiff seeks an order granting leave to file billing records under seal as an exhibit to its
26 Motion for Default Judgment, Permanent Injunction, and Attorneys' Fees and Costs, which is
27 necessary to protect the confidentiality of attorney billing rates and attorney work product.

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1 **I. LEGAL ARGUMENT**

2 The public interest in full disclosure of documents is limited to ensuring the “public’s
3 understanding of the judicial process and of significant public events.” *Kamakana v. City &*
4 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Valley Broadcasting Co. v.*
5 *U.S. Dist. Ct.*, 798 F.2d 1289, 1295 (9th Cir.1986)). When a party requests to file documents
6 under seal, the Court must balance the compelling reason for sealing the document with the
7 public interest favoring disclosure. *Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir.
8 2010). Documents will be sealed where compelling reasons “outweigh the general history of
9 access and the public policies favoring disclosure” *Kamakana*, 447 F.3d at 1178-1179.
10 Compelling reasons exist for sealing documents where their disclosure may “gratify private
11 spite, promote public scandal, circulate libelous statements, or release trade secrets.”
12 *Kamakana*, 447 F.3d at 1179.

13 Further, under Nevada law, “a person has a privilege . . . to refuse to disclose and to
14 prevent other persons from disclosing a trade secret owned by him or her, if the allowance of the
15 privilege will not tend to conceal fraud or otherwise work injustice.” N.R.S. § 49.325. Courts
16 have recognized billing rates as trade secrets. *See Courtesy Temporary Service, Inc. v.*
17 *Camacho*. 272 Cal. Rptr. 352, 358 (1990) (information that includes “billing rates, key contacts,
18 specialized requirements and mark up rates, is sophisticated information and irrefutably of
19 commercial value and not readily ascertainable to other competitors.”).

20 Here, Plaintiff must file with the Court detailed billing records to support a Motion for
21 Default Judgment, Permanent Injunction, and Attorneys’ Fees and Costs. These records contain
22 exact billing rates for Plaintiff’s attorneys, which is not information that is generally available to
23 the public or to Plaintiff’s attorneys’ competitors. Additionally, the billing records contain
24 descriptions of the work performed by Plaintiff’s attorneys, which constitute confidential work
25 product and attorney-client communications. Therefore, Plaintiff seeks to submit the attorney
26 billing records under seal so as to protect the confidential nature of the bills, yet give the Court
27 the opportunity to conduct an in camera review to assess whether Plaintiff’s attorney fees and
28 costs are reasonable.

1 **II. CONCLUSION**

2 Based upon the foregoing reasons, Plaintiff therefore respectfully requests the entry of an
3 order granting leave to file under seal Exhibit A to the Declaration of John L. Krieger in support
4 of Plaintiff's Motion for Default Judgment, Permanent Injunction, and Attorneys' Fees and
5 Costs.

6 DATED this 24th day of May, 2013.

7
8 LEWIS AND ROCA LLP

9 By: /s/ John L. Krieger
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18 **ORDER**

19 **IT IS SO ORDERED** this 19th day of June, 2013.

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21 
22 Gloria M. Navarro
23 United States District Judge
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